

IN THE DRAWING

Please replace Figs. 2A and 2D with substitute Figs. 2A and 2D.

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 4, 2005. Claims 1-9 and 11 remain pending in this application. Claims 1 and 11 are the independent claims. Favorable reconsideration is respectfully requested.

In response to the Office Action's objection to the drawings, Applicants respectfully request that substitute Figs. 2A and 2D be entered. Two (2) copies of substitute Figs. 2A-2D are herewith included. Applicants respectfully request withdrawal of the objections to the drawings.

In response to the objection to the specification for failing to include headings, Applicants gratefully acknowledge the Office Action's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a). In addition, Applicants respectfully believe the amendments to the specification and abstract adequately respond to the Office Action's other specification and abstract objections and respectfully request their withdrawal. Applicants further note that with respect to the abstract, the tracked changes of the previous amendment indicate that the abstract was intended to appear in a single paragraph form.

In response to the Office Action's objection to Claims 2-9, Applicants respectfully believe the amendments to Claim 2 render

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the objection moot and respectfully request its withdrawal.

Applicants further note that the underline between "claim" and "1" in Claim 9 represents a tracked change indication of a space, as opposed to an underline and should be treated accordingly.

The Office Action rejected Claims 1 and 10 under 35 U.S.C. § 102(e) as being anticipated by Toyoda et al. (U.S. Patent No. 6,630,953; hereinafter "Toyoda"). The Office Action also rejected Claims 2-3 and 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Toyoda in view of Callahan (U.S. Patent No. 6,380,985; hereinafter "Callahan"). The Office Action also rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Toyoda in view of Callahan and Ohtsuka (U.S. Patent No. 6,154,258; hereinafter "Ohtsuka"). The Office Action also rejected Claims 8-9 under 35 U.S.C. § 103(a) as being unpatentable over Toyoda in view of Callahan and Thompson et al. (U.S. Patent No. 6,489,998; hereinafter "Thompson"). The Office Action also rejected Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Toyoda in view of Thompson and Van Rooy et al. (U.S. Patent No. 6,657,659; hereinafter "Van Rooy").

Applicants respectfully traverse the Office Action's rejections for at least the following reasons:

Toyoda fails to recite or suggest a light modulation removal means that processes images by averaging images having the same light modulation, wherein a light modulation removal means further

includes a motion detector for detecting the effect of motion on a scene. Rather, Toyoda only recites a flicker correcting system that divides a field into at least two areas and compares the flicker in each area. Microcomputer 15 sums mean luminances of the divided fields and divides the result by the number of fields. It then calculates the differences of the mean luminances of the divided fields and divides the difference by the number of fields. Microcomputer 15 determines a desired gain factor for a given divided area in response to a calculated difference. (See, e.g., col. 6, lines 50-65). Toyoda does not recite or suggest averaging images having the same light modulation or employing a motion detector. Thus Toyoda fails to recite or suggest all the limitations of Applicants' Claim 1. Applicants respectfully traverse the § 102(e) rejection over Toyoda for at least this reason.

Claim 11 recites a method substantially corresponding to the Camera of Claim 1 and Applicants believe it to be patentable for at least the same reasons.

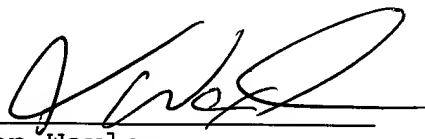
Claims 2-9 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, Applicants respectfully believe Claims 2-10 to be independently patentable and request separate consideration of each claim. Further, Applicants respectfully believe the § 103 rejections of Claims 2-9 and 11 to be moot in

light of the above amendments and remarks and request their withdrawal. Additionally, Applicants respectfully believe Ohtsuka cannot be properly combined with Toyoda or Callahan because it simply determines whether a flicker results from motion or an anomaly by comparing spontaneous light and dark regions over a time delay to see whether they resolve. It does not, however actually detect motion, but rather, determines whether changes result from flicker or motion. Thus Applicants respectfully traverse the § 103 rejection of Claim 4 for at least this additional reason.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

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